

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF MISSOURI**

BEELMAN TRUCK CO.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
RABEN TIRE CO., LLC,	)	
Serve at:	)	
c/o National Registered Agents, Inc.	)	
120 South Central Ave.	)	
Clayton, MO 63105	)	
	)	
RABEN TIRE CO. OF MISSOURI, LLC,	)	
Serve at:	)	
c/o National Registered Agents, Inc.	)	
120 South Central Ave.	)	
Clayton, MO 63105	)	
	)	
and	)	
	)	
MATTHEW ROPER,	)	
Serve at:	)	
500 West 6 <sup>th</sup> St.	)	
Kennett, MO 63857	)	
	)	
Defendants.	)	

**COMPLAINT**

COMES NOW Plaintiff, Beelman Truck Co., by and through counsel, and for its Complaint against Defendants Raben Tire Co., LLC, Raben Tire Co. of Missouri, LLC, and Matthew Roper, states as follows:

**ALLEGATIONS COMMON TO ALL COUNTS**

1. Plaintiff, Beelman Truck Co., (“Plaintiff”) is a Delaware corporation with its principal place of business in St. Clair County, Illinois, and is authorized to do business in the State of Missouri.

2. Defendant Raben Tire Co, LLC, is an Indiana Limited Liability Corporation, with its principal place of business in Evansville, Indiana, and is authorized to do business in the State of Missouri.

3. Defendant Raben Tire Co. of Missouri, LLC is an Indiana Liability Corporation, with its principal place of business in Evansville, Indiana, and is authorized to do business in the State of Missouri.

4. Defendant Matthew Roper is a resident and citizen of the state of Missouri, who at all times relevant, was acting within the scope of his employment and/or agency of Raben Tire Co., LLC and Raben Tire Co. of Missouri, LLC.

5. This court has original jurisdiction over the matter and parties pursuant to 28 U.S.C. § 1332 as there is complete diversity amongst the parties and the value in controversy exceeds \$75,000.00, exclusive of interests and costs.

6. Leslie M. White, as Special Administrator of the Estate of Jessica R. White, Deceased, and Jessica Richmond filed an action in the Circuit Court of St. Clair County, Illinois, Case No. 15-L-562, alleging damages arising out of a motor vehicle accident that occurred on April 19, 2015 on Interstate 55 in Pemiscot County, Missouri. Plaintiff, Plaintiff’s employee Ed Fournie, Raben Tire Co., LLC, Raben Tire Co. of Missouri, LLC, and Raben Tire’s employee and/or agent Matthew Roper were named as Defendants.

7. On April 19, 2015, Edward Fournie was operating a tractor-trailer on behalf of Beelman Truck Co. on southbound Interstate 55 in Pemiscot County, Missouri.

8. While Fournie was driving at the aforementioned location, he experienced a blowout of a tire on the third axle of the tractor rear passenger side. He pulled over onto the shoulder of the road and contacted his dispatcher at Beelman to report the blowout.

9. Beelman contacted Raben Tire to replace the blown out tire.

10. While acting in the course and scope of his employment with Raben Tire, Co, LLC and/or Raben Tire Co. of Missouri, LLC, Matthew Roper damaged the tractor trailer while attempting to jack the tractor in order to replace the blown out tire.

11. At the same time that Fournie and Roper were waiting for a second tow and/or repair truck to arrive due to the damage caused by Roper's negligence, Jessica Richmond was operating a Chevrolet HHR southbound on I-55 at the same location. Jessica White was a passenger in the vehicle operated by Jessica Richmond.

12. Richmond lost control of her vehicle and her vehicle struck the rear of the Beelman trailer.

13. Defendant has settled the claims filed by the Special Administrator for the Estate of Jessica R. White and Jessica Richmond. In this action, Plaintiff seeks to obtain contribution for the negligence of Defendants in causing or contributing to cause the damages sustained by the Special Administrator for the Estate of White and Jessica Richmond.

#### **COUNT I – CONTRIBUTION FOR CLAIMS OF JESSICA WHITE**

14. Plaintiff adopts, re-alleges, and incorporates by reference all allegations contained in paragraphs 1-12 as if fully set forth herein for Count I.

15. In settlement of the claims of the Estate of Jessica White, Plaintiff entered into settlement agreements with the personal representative of White's estate, and agreed to pay confidential sums of money to White's estate. The settlement was reasonable and in good faith, and subsequently was approved by the Circuit Court of St. Clair County.

16. There is a right of contribution among Plaintiff and Defendants, as Plaintiff and Defendants are subject to alleged liability in tort arising out of the same injury.

17. Plaintiff paid the settlement amount in full and Defendants paid no part of the settlement.

18. Defendants were negligent in that they committed one or more of the following negligent acts or omissions:

- a. Failed to perform the repair of the blown out tire in a workmanlike manner;
- b. Caused damage to the cross member/axle of the Beelman truck, preventing it from being driven to the next highway exit.
- c. Failed to properly place the jack in a part of the truck as to not damage the cross-member and damaging the truck.
- d. Improperly and negligently jacked the truck in such a manner causing it to damage the tractor.

19. Plaintiff has paid in excess of its pro rata share of any alleged liability it shares with Raben Tire Co., LLC, Raben Tire Co. of Missouri, LLC., and Matthew Roper.

20. Therefore, Plaintiff is entitled to contribution and indemnity either totally or in proportion to the relative degree of fault of the Plaintiff and Defendants, for costs incurred by Plaintiff in defending and settling the claims of White.

WHEREFORE Plaintiff Beelman Truck Co. prays for judgment in its favor and against Defendants in the amount of \$300,000.00, exclusive of costs of suit in this action, and for such other and further relief as the Court deems just and proper.

**COUNT II – CONTRIBUTION FOR CLAIMS OF JESSICA RICHMOND**

21. Plaintiff adopts, re-alleges, and incorporates by reference all allegations contained in paragraphs 1-12 as if fully set forth herein for Count II.

22. In settlement of the claims of Richmond, Plaintiff entered into settlement agreements with the Richmond, and agreed to pay confidential sums of money to Richmond. The settlement was reasonable and in good faith, and subsequently was approved by the Circuit Court of St. Clair County.

23. There is a right of contribution among Plaintiff and Defendants, as Plaintiff and Defendants are subject to alleged liability in tort arising out of the same injury.

24. Plaintiff paid the settlement amount in full, and Defendants paid no part of the settlement.

25. Defendants were negligent in that they committed one or more of the following negligent acts or omissions:

- a. Failed to perform the repair of the blown out tire in a workmanlike manner;
- b. Caused damage to the cross member/axle of the Beelman truck, preventing it from being driven to the next highway exit.
- c. Failed to properly place the jack in a part of the truck as to not damage the cross-member and damaging the truck.
- d. Improperly and negligently jacked the truck in such a manner causing it to damage the tractor.

26. Plaintiff has paid in excess of its pro rata share of any alleged liability it shares with Raben Tire Co., LLC, Raben Tire Co. of Missouri, LLC., and Matthew Roper.

27. Therefore, Plaintiff is entitled to contribution and indemnity either totally or in proportion to the relative degree of fault of the Plaintiff and Defendants, for costs incurred by Plaintiff in defending and settling the claims of Richmond.

WHEREFORE Plaintiff Beelman Truck Co. prays for judgment in its favor and against Defendants in the amount of \$75,000.00, exclusive of costs of suit in this action, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

ROBERTS PERRYMAN, P.C.

/s/ Ted L. Perryman  
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